

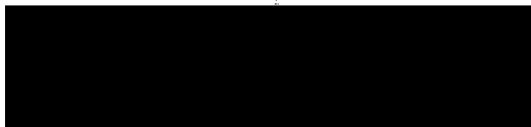


U.S. Department of Justice

Immigration and Naturalization Service

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OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536



File: [REDACTED] Office: Nebraska Service Center

Date: **AUG 1 2000**

IN RE: Petitioner: [REDACTED]

Beneficiary: [REDACTED]

Petition: Petition for Alien Fiance(e) Pursuant to Section 101(a)(15)(K) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(K)

IN BEHALF OF PETITIONER: Self-represented

Public Copy

INSTRUCTIONS:

This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.


If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

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invasion of personal privacy

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS


Terrence M. O'Reilly, Director
Administrative Appeals Office

DISCUSSION: This is a motion to reopen the Associate Commissioner for Examination's decision dismissing the appeal of the denial of the nonimmigrant visa petition. The motion to reopen will be granted and the previous decision affirmed.

The petitioner is a citizen of the United States. The beneficiary is a native and citizen of Colombia. The director determined that the petitioner had not established that she and the beneficiary personally met within two years prior to the petition's filing date. The director's decision was affirmed by the Associate Commissioner on appeal.

On motion, the petitioner submitted additional evidence for consideration.

Section 101(a)(15)(K) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1101(a)(15)(K), defines "fiancee" as:

An alien who is the fiancée or fiancé of a citizen of the United States and who seeks to enter the United States solely to conclude a valid marriage with the petitioner within ninety days after entry....

Section 214(d) of the Act, 8 U.S.C. 1184(d) states in pertinent part that a fiancée petition:

shall be approved only after satisfactory evidence is submitted by the petitioner to establish that the parties have previously met in person within two years before the date of filing the petition, have a bonafide intention to marry, and are legally able and actually willing to conclude a valid marriage in the United States within a period of ninety days after the alien's arrival...

The petition was filed with the Service on December 7, 1998. Therefore, the petitioner and the beneficiary must have met in person between December 8, 1996 and December 7, 1998.

The Petition for Alien Fiance(e) (Form I-129F) indicates that the petitioner and beneficiary personally met in the United States while attending college in December 1989, and again in July 1992. The beneficiary, a recipient of an AID scholarship, remained in the United States working as a research scientist at the University until September 1996, and thereafter, returned to Colombia to complete his residency requirement. Since the petitioner had not met the beneficiary in person within two years of the petition's filing date, the director denied the petition.

The petitioner has now submitted evidence on motion to show that her fiancée came to visit her in Houston, Texas on July 22, 1999 through August 28, 1999. Unfortunately, the petitioner and

beneficiary still have not met within the required time period (December 8, 1996 to December 7, 1998). This decision is without prejudice to the filing of a new petition (Form I-129F) to classify status as an alien fiancée within two years of that meeting. The petition must be submitted with the required documentary evidence and fee.

The burden of proof in these proceedings rests solely with the petitioner. Section 291 of the Act, 8 U.S.C. 1361. The petitioner has not met that burden.

ORDER: The order of August 25, 1999 dismissing the appeal is affirmed. The petition is denied.